

House Engrossed Senate Bill

State of Arizona
Senate
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CHAPTER 164

SENATE BILL 1177

AN ACT

AMENDING SECTIONS 41-2051, 41-2065, 41-2066, 41-2092, 41-2093, 41-2094 AND 41-2111, ARIZONA REVISED STATUTES; RELATING TO THE DEPARTMENT OF WEIGHTS AND MEASURES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 41-2051, Arizona Revised Statutes, is amended to
3 read:

4 41-2051. Definitions

5 In this chapter, unless the context otherwise requires:

6 1. "Certification" means the process of determining the accuracy of
7 a commercial device to the standards of this state by a registered service
8 representative or the department.

9 2. "Commercial device" means any weighing, measuring, metering or
10 counting device that is used to determine the direct cost of things sold or
11 offered or exposed for sale, or used to establish a fee for service if the
12 cost is based on weight, measure or count, except that it does not include
13 those devices used for in-house packaging, inventory control or law
14 enforcement purposes.

15 3. "Commodity" means any merchandise, product or substance produced
16 or distributed for sale to or use by others.

17 4. "Correct" as used in connection with weights and measures means
18 conformance to all applicable requirements of this chapter.

19 5. "Department" means the department of weights and measures.

20 6. "Diesel" means a refined middle distillate for use as a fuel in a
21 compression-ignition internal combustion engine.

22 7. "Director" means the director of the department of weights and
23 measures.

24 8. "Inspector" means state officials of the department of weights and
25 measures.

26 9. "Liquid fuel measuring device" means any meter, pump, tank, gauge
27 or apparatus used for volumetrically determining the quantity of any internal
28 combustion engine fuel, liquefied petroleum gas or low viscosity heating oil.

29 10. "Motor fuel" means petroleum or a petroleum based substance that
30 is motor gasoline, aviation gasoline, number one or number two diesel fuel
31 or any grade of oxygenated gasoline typically used in the operation of a
32 motor engine.

33 11. "Package" means any commodity enclosed in a container or wrapped
34 in any manner in advance of sale in units suitable for either wholesale or
35 retail trade.

36 12. "Person" means both the plural and the singular, as the case
37 demands, and includes individuals, partnerships, corporations, companies,
38 societies and associations.

39 13. "Primary standards" means the physical standards of the state that
40 serve as the legal reference from which all other standards and weights and
41 measures are derived.

42 14. "Public weighmaster" means any person who is engaged in any of the
43 following:

44 (a) The business of weighing any object or thing for the public
45 generally for hire or for internal use and issuing for that weighing a weight

1 certificate intended to be accepted as an accurate weight upon which a
2 purchase or sale is to be based or on which a service fee is to be charged.

3 (b) The business of weighing for hire motor vehicles, trailers or
4 semitrailers and issuing weight certificates intended to be accepted as an
5 accurate weight for the purpose of determining the amount of any tax, fee or
6 other assessment on the vehicles.

7 15. "Registered service agency" means any agency, firm, company or
8 corporation that for hire, award, commission or any other payment of any kind
9 installs, services, repairs or reconditions a commercial device OR TESTS OR
10 REPAIRS VAPOR RECOVERY SYSTEMS OR VAPOR RECOVERY COMPONENTS and that has been
11 issued a license by the department.

12 16. "Registered service representative" means any individual who for
13 hire, award, commission or any other payment of any kind installs, services,
14 repairs or reconditions a commercial device OR TESTS OR REPAIRS VAPOR
15 RECOVERY SYSTEMS OR VAPOR RECOVERY COMPONENTS and who has been issued a
16 license by the department.

17 17. "Retail seller" means a person whose business purpose is to sell,
18 or expose or offer for sale any motor fuel, kerosene, oil or other liquid or
19 gaseous fuel or lubricating oil, lubricant, mixtures of lubricants or other
20 similar petroleum product other than used oil OR USE ANY PACKAGE OR COMMODITY
21 BY WEIGHT, MEASURE OR COUNT.

22 18. "Sale from bulk" means the sale of commodities when the quantity
23 is determined at the time of sale.

24 19. "Secondary standards" means the physical standards that are
25 traceable to the primary standards through comparisons, using acceptable
26 laboratory procedures, and that are used in the enforcement of weights and
27 measures laws and rules.

28 20. "Weight" as used in connection with any commodity means net weight.

29 21. "Weights" or "measures", or both, means all weights, measures,
30 meters or counters of every kind, instruments and devices for weighing,
31 measuring, metering or counting and any appliance and accessories associated
32 with any or all such instruments and devices.

33 Sec. 2. Section 41-2065, Arizona Revised Statutes, is amended to read:

34 41-2065. Powers and duties; definition

35 A. The department shall:

36 1. Maintain custody of the state standards of weight and measure that
37 are traceable to the United States prototype standards and that are supplied
38 to the states by the federal government or that are otherwise approved as
39 being satisfactory by the national institute of standards and technology.

40 2. Keep the state primary standards in a safe and suitable place in
41 the metrology laboratory of the department and insure that they shall not be
42 removed from the laboratory except for repairs or for calibration as may be
43 prescribed by the national institute of standards and technology.

44 3. Keep accurate records of all standards and equipment.

1 4. Adopt any rules necessary to carry out this chapter and adopt
2 reasonable rules for the enforcement of this chapter. These rules have the
3 force and effect of law and shall be adopted pursuant to chapter 6 of this
4 title. In adopting these rules, the director shall consider, as far as is
5 practicable, the requirements established by other states and by authority
6 of the United States, except that rules shall not be made in conflict with
7 this chapter.

8 5. Publish rules adopted pursuant to this chapter and issue
9 appropriate copies at no cost to all new applicants for licensure and
10 certification. Updated copies of the rules shall be distributed, on request,
11 at no cost to the public.

12 6. Investigate complaints made to the department concerning violations
13 of this chapter and, on its own initiative, conduct investigations it deems
14 appropriate to develop information relating to prevailing procedures in
15 commercial quantity determination and relating to possible violations of this
16 chapter, and in order to promote the general objective of accuracy in the
17 determination and representation of quantity in commercial transactions.

18 7. Establish labeling standards, establish standards of weight,
19 measure or count and establish reasonable standards of fill for any packaged
20 commodity, and may establish standards for open dating information.

21 8. Grant, pursuant to this chapter, exemptions from the licensing
22 provisions of this chapter for weighing and measuring instruments, standards
23 or devices when the ownership or use of the instrument or device is limited
24 to federal, state or local government agencies in the performance of official
25 functions. On request, the department may conduct inspections of the
26 instruments, standards or devices and shall charge a fee pursuant to section
27 41-2092, subsection 8.

28 9. Delegate to appropriate personnel any of the responsibilities of
29 the director for the proper administration of this chapter.

30 10. Inspect and test weights and measures kept, offered or exposed for
31 sale.

32 11. Inspect and test, to ascertain if they are correct, weights and
33 measures commercially used either:

34 (a) In determining the weight, measure or count of commodities or
35 things sold, or offered or exposed for sale, on the basis of weight, measure
36 or count.

37 (b) In computing the basic charge or payment for services rendered on
38 the basis of weight, measure or count.

39 12. Test, at random, commodities, weights and measures used in public
40 institutions for which monies are appropriated by the legislature. The
41 testing of commodities, weights and measures in public institutions shall
42 include, but not be limited to, items:

43 (a) That have historically been of short weight, measure or count.

44 (b) Found to be of short weight, measure or count by other
45 jurisdictions.

1 (c) To be tested as part of a regional or national survey.

2 13. Test, approve for use and affix a seal of approval for use of all
3 weights, measures and commercial devices manufactured in or brought into this
4 state as it finds to be correct and shall reject and mark as rejected
5 weights, measures and devices it finds to be incorrect. Weights, measures
6 and devices that have been rejected may be seized by the department if not
7 corrected within the time specified or if used or disposed of in a manner not
8 specifically authorized. The department shall condemn and may seize weights,
9 measures and devices that are found to be incorrect and that are not capable
10 of being made correct.

11 14. Sample and test motor fuel that is stored, sold or exposed or
12 offered for sale or that is stored for use by a fleet owner to determine
13 whether the motor fuel meets the standards for motor fuel set forth in
14 section 41-2083 and article 6 of this chapter and in any rule adopted by the
15 director pursuant to this chapter. For the purposes of this paragraph,
16 "fleet owner" has the same meaning prescribed in section 41-2121.

17 15. Test all mandated stage I and stage II vapor recovery systems that
18 are installed or operated in this state not less than annually and if the
19 systems are determined to be in compliance with the law approve those systems
20 for use and reject, mark as rejected and stop the use of those systems
21 determined not to be in compliance with the law.

22 16. Inspect facilities at which motor fuel is stored, sold or exposed
23 or offered for sale to determine whether dispensing devices are properly
24 labeled.

25 17. Publish and distribute to consumers weighing and measuring
26 information.

27 18. Weigh, measure or inspect packaged commodities kept, offered or
28 exposed for sale, sold or in the process of delivery to determine whether
29 they contain the amounts represented and whether they are kept, offered or
30 exposed for sale in accordance with this chapter or rules adopted pursuant
31 to this chapter. In carrying out the provisions of this section, the
32 director shall employ recognized sampling procedures, such as are designated
33 in appropriate national institute of standards and technology handbooks and
34 supplements to those handbooks, except as modified or rejected by rule.

35 19. Allow reasonable variations from the stated quantity of contents
36 only after a commodity has entered intrastate commerce. These variations
37 shall include those caused by loss or gain of moisture during the course of
38 good distribution practice or by unavoidable deviations in good manufacturing
39 practice.

40 20. Prescribe the standards of weight and measure and additional
41 equipment methods of test and inspection to be employed in the enforcement
42 of this chapter. The director may prescribe or provide the official test and
43 inspection forms to be used in the enforcement of this chapter.

44 21. Apply to any court of competent jurisdiction for a temporary or
45 permanent injunction restraining any person from violating this chapter.

1 22. Report to the governor on August 1 each year and at such other
2 times as may be required on the work accomplished under this chapter.

3 23. Employ such personnel as needed to assist in administering this
4 chapter.

5 24. Ensure that any information that is required to be filed with the
6 department, that relates to the contents of motor fuels that are sold in this
7 state and that is a trade secret as defined in section 49-201 is not
8 disclosed.

9 25. Establish by rule labeling standards for tanks and containers of
10 motor fuels.

11 B. The director may provide for the periodic examination and
12 inspection of metering devices of ~~utility companies~~, including but not
13 limited to devices utilized to measure usage of electricity, natural gas or
14 water by a consumer. EXAMINATION AND INSPECTION AUTHORITY SHALL NOT APPLY
15 TO METERING DEVICES OWNED BY FEDERAL, STATE OR LOCAL GOVERNMENT AGENCIES
16 UNLESS REQUESTED BY THE GOVERNMENT AGENCY THAT OWNS THE METERING DEVICES.

17 C. The director may establish standards for the presentation of
18 cost-per-unit information. Nothing in this subsection shall be construed to
19 mandate the use of cost-per-unit information in connection with the sale of
20 any standard packed commodity.

21 D. The director may, when necessary to carry out this chapter, adopt
22 and enforce rules relating to quality standards for motor fuel, kerosene,
23 oil, except used oil fuel, and hazardous waste fuel, lubricating oils,
24 lubricants, antifreeze and other liquid or gaseous fuels. The director shall
25 adopt rules to assure that oxygenated fuels, as described in article 6 of
26 this chapter, stored, used, sold or exposed or offered for use or sale are
27 blended and stored, sold, exposed or offered in such a manner as to assure
28 that the oxygenated fuels are properly blended, that they meet the standards
29 set forth in section 41-2083 and article 6 of this chapter, and in rules
30 adopted pursuant to this chapter, and that dispensers at which the oxygenated
31 fuels are dispensed are labeled as defined by rule of the department in such
32 a manner as to notify persons of the type of oxygenated fuel being dispensed
33 and the maximum percentage of oxygenate by volume contained in the oxygenated
34 fuel. The director of the department of weights and measures shall consult
35 with the director of the department of environmental quality in adopting
36 rules pursuant to this subsection.

37 E. Testing and inspection conducted pursuant to this chapter shall be
38 done, to the extent practicable, without prior notice, by a random systematic
39 method determined by the director or in response to a complaint by the
40 public. The testing and inspection may be done by private persons and firms
41 pursuant to contracts entered into by the director in accordance with chapter
42 23 of this title OR BY A REGISTERED SERVICE AGENCY OR REGISTERED SERVICE
43 REPRESENTATIVE LICENSED PURSUANT TO SECTION 41-2094. The director shall
44 establish qualifications of persons and firms for selection for purposes of
45 this subsection. The persons or firms conducting the testing and inspection

1 shall immediately report to the department any violations of the provisions
2 of this chapter and incorrect weights, measures, and devices, VAPOR RECOVERY
3 SYSTEMS OR VAPOR RECOVERY COMPONENTS for investigation and enforcement by the
4 department. A person or firm that tests or inspects a weight, measure, or
5 device, VAPOR RECOVERY SYSTEM OR VAPOR RECOVERY COMPONENT that is rejected
6 shall not correct the defect causing the rejection WITHOUT THE PERMISSION OF
7 THE DEPARTMENT.

8 F. During the course of an investigation or an enforcement action by
9 the department, information regarding the complainant is confidential and is
10 exempt from title 39, chapter 1, unless the complainant authorizes the
11 information to be public.

12 G. For purposes of the labeling requirements prescribed in this
13 section, "oxygenated fuel" means a motor fuel blend containing 1.5 per cent
14 or more by weight of oxygen.

15 Sec. 3. Section 41-2066, Arizona Revised Statutes, is amended to read:

16 41-2066. Enforcement powers of the director and inspectors

17 A. When necessary for the enforcement of this chapter and rules
18 adopted pursuant to this chapter, the director or the director's agents and
19 inspectors shall:

20 1. Enter any commercial, nonprofit business or governmental premises
21 during normal operating hours, except that if the premises are not open to
22 the public, the director or the director's agents and inspectors shall first
23 present their credentials.

24 2. Issue stop-use, hold and removal orders with respect to any weights
25 and measures commercially used, stop-sale, hold and removal orders with
26 respect to any packaged commodities, bulk commodities or motor fuel kept,
27 offered or exposed for sale, stop-use and hold orders with respect to a vapor
28 recovery system or parts of a vapor recovery system and stop-use, stop-sale,
29 hold and removal orders with respect to any motor fuel found to be in
30 violation of this chapter or rules adopted pursuant to this chapter.

31 3. Seize for use as evidence, without formal warrant, any incorrect
32 or unapproved weight, measure, package or commodity found to be used,
33 retained, offered or exposed for sale or sold in violation of this chapter
34 or rules adopted pursuant to this chapter.

35 4. Stop any commercial vehicle upon reasonable cause to believe that
36 the vehicle contains evidence of a violation of this chapter and, after
37 presentment of the director's or the director's agent's or inspector's
38 credentials, inspect the contents, require that the person in charge of the
39 vehicle produce any documents in the person's possession concerning the
40 contents and require the person to proceed with the vehicle to some specified
41 place for inspection.

42 B. With respect to the enforcement of this chapter, the director or
43 the director's agents or inspectors may issue a citation to any violators of
44 this chapter in accordance with the provisions of section 13-3903.

C. The director or the director's agents or inspectors may apply for a special inspection warrant for inspection of real or personal property for the purpose of enforcement of this chapter. The special inspection warrant shall be issued as provided in section 49-433.

Sec. 4. Section 41-2092, Arizona Revised Statutes, is amended to read:
41-2092. Licensing fees; definitions

A. The following fees shall be paid to the department as license fees for devices used for commercial purposes:

Schedules of Fees

1. Weighing devices:

0 - 500 pounds capacity (or metric equivalent)	\$ 12.00
501 - 2,000 pounds capacity	18.00
2,001 - 7,500 pounds capacity	36.00
7,501 - 20,000 pounds capacity	80.00
20,001 - 60,000 pounds capacity	120.00
60,001 pounds capacity and over	180.00

2. Liquid metering devices (meters) other than for liquid petroleum gas AND UTILITY METERS:

maximum 12 gallons per minute and under	12.00
maximum 13 - 150 gallons per minute	36.00
maximum 151 - 500 gallons per minute	90.00
maximum 501 - 1,000 gallons per minute	138.00
maximum 1,001 gallons per minute and over	168.00

3. Motor fuel devices (dispensers) other than for liquid petroleum gas (not including satellite hoses or nozzles):

	Standard	Stage II
each meter	15.00	30.00
each blending valve	15.00	30.00
high volume (over 19 gallons per minute)		
diesel per hose and nozzle		15.00
keylock, limited access, with accumulators, per hose and nozzle		22.50
remote indicator and control unit (no hoses or nozzles) (accessory only)		22.50

4. Liquid measuring devices for liquid petroleum gas (meters):

small bottle fill measuring devices	24.00
motor fuel measuring devices, uncompensated	24.00
motor fuel measuring devices, temperature compensating, including compressed natural gas filling devices	48.00
motor fuel measuring devices, keylocks	48.00
3/4" and 1" meters, uncompensated	48.00
1 1/4", 1/2" and 1 3/4" meters, uncompensated	72.00

1	2" meters and larger, uncompensated	72.00
2	3/4" and 1" meters, temperature compensating	54.00
3	1 1/4", 1/2" and 1 3/4" meters, temperature	
4	compensating	90.00
5	2" meters and larger, temperature compensating	96.00
6	5. Linear measuring devices:	
7	all linear measuring mechanical devices	24.00
8	6. Time measuring devices:	
9	all time measuring mechanical, electrical and	
10	electronic devices	24.00
11	7. COUNTING DEVICES:	
12	ALL MECHANICAL AND ELECTRONIC COUNTING DEVICES	12.00
13	B. Testing, inspection, certification and calibration fees shall be	
14	paid pursuant to the fee schedule set forth in subsection A or the rules of	
15	the department. The department shall waive license fees for customer parking	
16	time measuring meters owned by municipalities.	
17	C. Issuance or renewal of license as:	
18	1. Public weighmaster	48.00
19	2. Registered service agency	24.00
20	3. Registered service representative	4.80
21	D. The fees set forth in this section are the maximum amounts that may	
22	be charged, but the director, at the director's discretion, may reduce the	
23	fees to any amount the director deems necessary.	
24	E. The director may prorate the fees set forth in this section for	
25	partial year application.	
26	F. If a person fails to pay a license, permit or certification fee on	
27	or before the date the fee is due, the department shall impose a penalty	
28	equal to twenty per cent of the fee. For each month after the date the fee	
29	is due, the department shall impose an additional penalty equal to twenty per	
30	cent of the fee. If a person fails to pay a license, permit or certification	
31	fee for three months after the fee is due, the department shall automatically	
32	cancel the license, permit or certification.	
33	G. For the purposes of this section:	
34	1. "Taxicab" means a motor vehicle that has a driver for hire, that	
35	has a seating capacity of less than seven passengers and that is not operated	
36	on a regular route.	
37	2. "Time measuring devices" and "linear measuring devices" do not	
38	include odometers except when utilized as the device on which a charge is	
39	determined in the operation of a taxicab.	
40	Sec. 5. Section 41-2093, Arizona Revised Statutes, is amended to read:	
41	41-2093. <u>License as public weighmaster or deputy weighmaster</u>	
42	<u>required; application; fee; renewal; exemptions</u>	
43	A. A person shall not serve as a public weighmaster OR DEPUTY	
44	WEIGHMASTER unless the person is issued a public weighmaster OR DEPUTY	
45	WEIGHMASTER license by the department in accordance with practices and	

1 procedures to be established by the director. AN APPLICANT FOR A PUBLIC
2 WEIGHMASTER OR DEPUTY WEIGHMASTER LICENSE SHALL:

3 1. DEMONSTRATE A THOROUGH KNOWLEDGE OF ALL APPROPRIATE WEIGHTS AND
4 MEASURES LAWS, RULES AND POLICIES.

5 2. HAVE POSSESSION OF, OR HAVE AVAILABLE FOR USE, A SCALE THAT IS OF
6 SUFFICIENT CAPACITY AND SIZE AND THAT IS LICENSED AND CERTIFIED PURSUANT TO
7 SECTION 41-2091.

8 3. DEMONSTRATE THE NECESSARY EXPERIENCE AND TRAINING TO OPERATE THE
9 SCALE.

10 4. PASS THE REQUIRED EXAMINATION ADMINISTERED BY THE DEPARTMENT.

11 B. An application for a public weighmaster OR DEPUTY WEIGHMASTER
12 license shall be submitted to the department on a form prescribed and
13 furnished by the department and shall be accompanied by the license fee
14 prescribed in section 41-2092. The department shall issue a public
15 weighmaster OR DEPUTY WEIGHMASTER license for a period of twelve calendar
16 months. The license expires on the first day of the month and year indicated
17 on the license. A public weighmaster OR DEPUTY WEIGHMASTER license shall be
18 posted at the licensed scale site in a manner that provides the department
19 access to the license during normal business hours.

20 C. If a licensee submits a license renewal application to the
21 department before the date of expiration of the current license together with
22 the renewal fee prescribed by the department, the existing license shall be
23 valid for thirty days following its expiration date, or until issuance of the
24 renewal license, whichever occurs first.

25 D. Except as otherwise provided in subsection F of this section,
26 certified weighing of any property, livestock or commodity shall be performed
27 only by a public weighmaster OR DEPUTY WEIGHMASTER. The following persons
28 are not required to obtain licenses as public weighmasters OR DEPUTY
29 WEIGHMASTERS:

30 1. A person weighing property, livestock or a commodity that the
31 person or the person's employer is either buying or selling for the person's
32 or the person's employer's own account.

33 2. A person weighing property, livestock or a commodity in conjunction
34 with or on behalf of a publicly sponsored or nonprofit organization sponsored
35 exposition, fair or show event.

36 E. The official weighing of vehicles or conveyances by any employee
37 of a city, county or state agency for weight-control regulatory purposes on
38 public highways, roads or streets does not constitute public weighing.

39 F. On request and without charge, the department may issue a limited
40 weighmaster license to any qualified officer or employee of a city, a county
41 or the state authorizing the officer or employee to act as a public
42 weighmaster only within the scope of the officer's or employee's official
43 employment and duties in enforcing local ordinances substantially complying
44 with the requirements of this chapter. While performing the duties of a

1 limited weighmaster, a limited weighmaster shall have the limited
2 weighmaster's license in the limited weighmaster's possession.

3 G. The department shall approve all forms, certificates, seals and
4 other documents together with practices, procedures and equipment used by
5 public weighmasters OR DEPUTY WEIGHMASTERS in the performance of their
6 duties. A public weighmaster OR DEPUTY WEIGHMASTER shall keep for such
7 period as the department by rule may require a legible copy of each weight
8 certificate the public weighmaster OR DEPUTY WEIGHMASTER issues. Copies of
9 weight certificates shall be available at all reasonable times for inspection
10 by the department.

11 Sec. 6. Section 41-2094, Arizona Revised Statutes, is amended to read:

12 41-2094. license required as registered service agency or
13 registered service representative; qualifications;
14 application; fees; renewal

15 A. A person shall not operate as a registered service agency or as a
16 registered service representative until a license is issued as provided in
17 this section. ~~The department shall issue a license to an agency as a~~
18 ~~registered service agency or to an individual as a registered service~~
19 ~~representative if the applicant for either license provides evidence~~
20 ~~satisfactory to the department that the applicant:~~

21 B. AN APPLICANT FOR A REGISTERED SERVICE AGENCY LICENSE SHALL:

22 1. SUBMIT APPLICATION INFORMATION SATISFACTORY TO THE DEPARTMENT.

23 2. COMPLY WITH SECTION 41-2067, SUBSECTION E OR PROVIDE EVIDENCE THAT
24 THE APPLICANT'S VAPOR RECOVERY TEST EQUIPMENT HAS BEEN CERTIFIED BY THE
25 MANUFACTURER OF THE EQUIPMENT WITHIN ONE YEAR OF THE DATE OF THE APPLICATION
26 OR AS DEEMED APPROPRIATE BY THE DEPARTMENT.

27 3. PAY ALL REQUIRED FEES.

28 C. AN APPLICANT FOR A REGISTERED SERVICE REPRESENTATIVE LICENSE SHALL:

29 1. ~~Has~~ DEMONSTRATE a thorough working knowledge of all appropriate
30 weights and measures laws, orders and rules.

31 2. DEMONSTRATE TO THE DEPARTMENT THAT THE APPLICANT has possession of,
32 or HAS available for use, weights and testing equipment appropriate in design
33 and adequate in amount.

34 3. DEMONSTRATE THE NECESSARY KNOWLEDGE, TRAINING AND EXPERIENCE
35 REGARDING APPROPRIATE STANDARDS AND TESTING EQUIPMENT TO SERVICE COMMERCIAL
36 DEVICES, VAPOR RECOVERY SYSTEMS OR VAPOR RECOVERY COMPONENTS.

37 4. PASS THE REQUIRED EXAMINATION ADMINISTERED BY THE DEPARTMENT.

38 5. PAY ALL REQUIRED FEES.

39 ~~B.~~ D. An application for a registered service agency or registered
40 service representative license shall be submitted by the applicant to the
41 department on a form prescribed and furnished by the department and ~~shall be~~
42 ~~accompanied by the fee prescribed by the department for a license as a~~
43 ~~registered service agency or the prescribed fee for a license as a registered~~
44 ~~service representative, or both.~~ The department shall issue a registered
45 service agency or registered service representative license for a period of

1 twelve calendar months. The license expires on the first day of the month and
2 year indicated on the license. Each license shall contain, among other
3 information, a license number. A registered service agency license shall be
4 posted at the licensed business location in a manner that provides the
5 department access to the license during normal business hours. While
6 performing the duties of a registered service representative, a registered
7 service representative shall have a registered service representative's
8 license in the registered service representative's possession.

9 ~~C.~~ E. If a licensee submits a license renewal application to the
10 department before the date of expiration of the current license, together
11 with the prescribed renewal fee, the existing license shall be valid for
12 thirty days following its expiration date, or until issuance of the renewal
13 license, whichever occurs first.

14 ~~D.~~ F. The director shall publish, from time to time as the director
15 deems appropriate, and may supply on request, lists of registered service
16 representatives and registered service agencies.

17 G. EACH REGISTERED SERVICE REPRESENTATIVE LICENSE ISSUED BY THE
18 DEPARTMENT SHALL INDICATE THE TYPE OF SERVICE APPROVED BY THE DEPARTMENT FOR
19 THE LICENSEE.

20 ~~E.~~ H. A registered service agency shall use forms and related
21 procedures prescribed by the department in the performance of its duties. A
22 registered service agency shall keep a legible copy of each form used for at
23 least the time period prescribed by the department in its rules. Copies of
24 the forms shall be available during normal business hours for inspection by
25 the department.

26 Sec. 7. Section 41-2111, Arizona Revised Statutes, is amended to read:
27 41-2111. Unlawful use of device; authorization to prevent such
28 use; seizure; violation; classification

29 A. When any commercial device specified in this chapter is in
30 commercial use and a valid license for the device has not been procured by
31 the owner, the owner's agent or the operator of the device, the department,
32 after giving notice of the licensing requirements to the owner, the owner's
33 agent or the operator, shall prohibit the further commercial use of the
34 unlicensed device until the proper license has been issued. The department
35 may employ and attach to the device such forms, notices or security seals as
36 it considers necessary to prevent the continued unauthorized use of the
37 device.

38 B. A registered service representative may also:

39 1. With approval of the department, remove an official rejection tag
40 ~~or mark~~ placed on a commercial device, VAPOR RECOVERY SYSTEM OR VAPOR
41 RECOVERY COMPONENT.

42 2. Place in service, until such time as an official examination can
43 be made, a commercial device, VAPOR RECOVERY SYSTEM OR VAPOR RECOVERY
44 COMPONENT that has been officially rejected OR PLACED OUT OF SERVICE.

1 3. Place in service, until such time as an official examination can
2 be made, a used commercial device FOR WHICH A COMMERCIAL DEVICE APPLICATION
3 HAS BEEN COMPLETED AND SUBMITTED TO THE DEPARTMENT.

4 ~~4. Place in service, until such time as an official examination can~~
5 ~~be made, a new commercial device.~~

6 C. The owner of any business who has not applied for and has not been
7 issued a license for the right to do business, involving the use of a
8 commercial device, by the department and who is found selling or offering for
9 sale or delivering or distributing to a consumer is guilty of a class 2
10 misdemeanor, and the department shall confiscate and seize the commercial
11 device or any vehicle tank, or vehicle tank and meter, or any other such
12 measuring device used by the business for the sale, delivery or distribution
13 as evidence.

14 D. The director and any other authorized personnel shall not be liable
15 to the owner or any other persons, firms, partnerships, corporations, trusts
16 or agencies for damages, directly or indirectly, caused by or resulting from
17 the seizure.

18 E. If a commercial device licensed pursuant to this chapter is used
19 contrary to any provision of this chapter or any rule adopted pursuant to
20 this chapter, the department, in addition to any other penalty imposed by
21 this chapter, shall suspend, revoke or refuse to renew the license.

22 Sec. 8. Requirements for enactment; two-thirds vote

23 Pursuant to article IX, section 22, Constitution of Arizona, this act
24 is effective only on the affirmative vote of at least two-thirds of the
25 members of each house of the legislature and is effective immediately on the
26 signature of the governor or, if the governor vetoes this act, on the
27 subsequent affirmative vote of at least three-fourths of the members of each
28 house of the legislature.

APPROVED BY THE GOVERNOR APRIL 20, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2001.

Passed the House April 09, 2001,

by the following vote: 41 Ayes,

17 Nays, 2 Not Voting
with Article IX, Section 22

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate January 31, 2001,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting
with Article IX, Section 22

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

S.B. 1177

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 16, 2001,

by the following vote: 20 Ayes,

6 Nays, 4 Not Voting

With Article IX, section 22
Randall
President of the Senate

Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

16 day of April, 2001.

at 2:59 o'clock P M.

Janet Ramsey
Secretary to the Governor

APPROVED THIS 20 day of

April, 2001,

at 9:57 o'clock A M.

James F. Hall
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 20 day of April, 2001,

at 12:55 o'clock P M.

Rebecca Bayless
Secretary of State

S.B. 1177